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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/680,513	10/06/2000	Takahiro Horikoshi	198322US2CONT	9594

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EXAMINER

BROWN, KHALED

ART UNIT	PAPER NUMBER
2851	

DATE MAILED: 02/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/680,513	HORIKOSHI ET AL.
	Examiner Khaled Brown	Art Unit 2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 18 November 2002.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1,4-6,14-21,23,24,28-35,40-42,44-46,49-52 and 54-85 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,4-6,14-21,23,24,29-35,40-42,44-46,49-52,54-63,66,67,69,70,72-74,77-85 is/are rejected.

7) Claim(s) 28,64,65,68,71,75 and 76 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 06 October 2000 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 14,15,23,46,50,58,73,74,85 are rejected under 35 U.S.C. 102(e) as being anticipated by Takahashi (US 6163365).

Re clm 14: Takahashi discloses an exposure method to illuminate a mask with exposure light from a light source and transfer a pattern of the mask onto a substrate through an optical system, said method comprising:

setting time intervals for measurement (Col 7 lines 47-51) in respect to at least two exposure conditions for transferring said pattern of said mask onto said substrate (Col 6 lines 12-15), each of said time intervals for measurement being different from one another (time intervals “once per day or once per two days” are different from one another); setting one exposure condition of said at least two exposure conditions (Col 6 line 14 “transmissivity of the reticle”); and measuring the amount of said exposure light which passes through said optical system and reaches onto said substrate at said time interval for measurement that corresponds to said set exposure condition (Col 6 lines 12-15).

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Re clm 15,85: a transmittance of a mask (Col 6 line 14)

Re clms 23,74: measured before passing through the optical system (performed by 10) and measurement result ...passing through the optical system (performed by 11)

Re clms 50,58: a device manufacturing method including a lithographic process (Col 10 lines27-63)

Re clm 73: illumination optical system (3) and projection optical system (8)

Re clm 46: Takahashi discloses an exposure apparatus to transfer a pattern illuminated with exposure light from a light source onto a substrate through an optical system, said exposure apparatus comprising: a measurement unit to measure an amount of exposure light passing through said optical system and reaching onto said substrate at a predetermined time interval (10); a selection unit to select any exposure condition among a plurality of exposure conditions for transferring said pattern onto said substrate (26); and a control unit to change said time interval of said measurement unit in accordance with said any exposure condition selected by said selection unit (13).

Claims 19-21,29,30-33,44, 45,52,56,57,63,62,66,67,83,84 are still rejected under 35 U.S.C. 102(e) as being anticipated by Taniguchi (US 5721608).

Re clms 19,20,21,45,52,63: Taniguchi discloses an exposure method (Col 13-20) performed by an exposure apparatus to transfer a pattern illuminated with exposure light from a light source onto a substrate, said method comprising: photodetecting a part of said exposure light (Col 13 lines 62-63) in an optical path of said exposure light (IL); setting a time interval (Col 14 line 9) for measurement of a transmittance of said optical

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system (R, PL) which is arranged between a position of photodetecting (28) a part of said exposure light and said substrate (W) in accordance with changes in exposure conditions; measuring a transmittance (Col 13 line 51) of said optical system at said set time interval for measurement; setting an exposure amount control target value (Col 24 line 37) in accordance with said measured transmittance of said optical system; and transferring said pattern onto said substrate (Col 6 line 5-10) through said optical system, while an exposure amount is controlled based on photodetection results of a part of said exposure light and said set exposure amount control target value (Col 14 lines 58-67) and a self cleaning (inherently occurs when transmittance measurement is made prior to exposure of a wafer), device manufactured (W) and a prediction function (Taniguchi Col 14 line 55) is disclosed.

Re clm 29: a control unit (Taniguchi 100), an exposure amount setting unit (Taniguchi 1), an exposure amount control system (Taniguchi 29) are disclosed.

Re clm 30: measurement prior to exposure (Taniguchi Col 13 line 55)

Re clm 31: measurement after to exposure (Taniguchi Col 15 line 23-33)

Re clm 32, 33: first sensor (Taniguchi 28), second sensor (Taniguchi 41), transmittance/control unit (Taniguchi 100)

Re clms 44,56: a branch optical system is disclosed (Taniguchi 7a, 7b), a measurement/control unit (Taniguchi 100),.

Re clm 57: a branch optical system is disclosed (Taniguchi 7a, 7b), a measurement/control unit (Taniguchi 100).

Re clm 62: light intensity (Taniguchi Col 13 line 39)

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Re clm 66: correcting said transmittance time-varying prediction function (Taniguchi Col 14 line 48)

Re clm 67: precision (Taniguchi Col 24 line 37)

Re clm 83: operation is stopped (Taniguchi Col 11 lines 61-67)

Re clm 84: time (Taniguchi Col 12 line 5), intensity (Taniguchi Col 2 line 55), amount (Taniguchi Col 12 line 4)

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,4-6,16-18,24,34,35,40-42,49,51,54,55,59,60,61,69,70,72,77,78-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi (US 6163365).

Re clms 1,6,16,34,35,70,72,78,81: Takahashi discloses an exposure method to transfer a pattern of a mask illuminated with exposure light from a light source onto a substrate through an optical system, the method comprising: setting a time interval for measuring of a transmittance of the optical system, measuring a transmittance of the optical system (Col 7 lines 47-66); setting an exposure amount control target value in accordance with the measured transmittance of the optical system and transferring the pattern onto the substrate through the optical system (Col 7 lines 3-10), while an exposure amount is controlled based on a photodetection result of a part of the

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exposure light photodetected between the light source and the mask and the set exposure amount control target value (Col 5 lines 24-27). However, Takahashi does not specifically disclose changing the time interval for measurement. Takahashi teaches that a time interval for measurement can be either once per day or once per two days (Col 7 lines 48-51) because it allows a substrate to be exposed with a correct amount of exposure (Col 2 line 9). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to change the time interval for measurement from either once per day to once per two days because it would allow a substrate to be exposed with a correct amount of exposure as taught by Takahashi.

Re clms 4,82: transmittance of a mask (Col 6 line 14)

Re clm 5: exposure amount (Col 5 line 26)

Re clm 17: measurement performed prior to exposure (Col 5 line 52)

Re clm 18: measurement performed after exposure (Col 6 lines 18-20)

Re clms 49,51,54,55: a device manufacturing method including a lithographic process (Col 10 lines 27-63)

Re clm 59: light branched away (Col 5 lines 22-23) and an optical system (7,8 Col 5 lines 30-37)

Re clm 60: most recent transmittance measurement (Col 6 lines 18-19) and measurement before most recent transmittance measurement (Col 5 lines 47-52)

Re clms 40,69,77: illumination optical system (3) and projection optical system (8)

Re clm 41: drive unit (Col 4 line 39)

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Re clms 24, 42,61,79: Takahashi discloses the claimed invention (Fig 4) except for individual elements forming a transmittance measurement unit, a control unit, an exposure amount setting unit and an exposure amount control system as claimed. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the single main control (13) of Takahashi which is disclosed as performing all the claimed functions of the individual elements claimed (as noted above) in order to ensure a wafer receives a correct exposure amount, since it has been held that constructing a formerly integral structure in various individual elements involves only routine skill in the art. Nerwin v. Erlichman, 168 USPQ 177, 179

Re clm 79: ratio (Col 7 line 56)

Re clm 80: mask (integrated light quantity Col 6 line 12), modified illumination (performed by element 2).

### ***Allowable Subject Matter***

Claims 28,64,65,68,71,75,76 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to disclose or suggest a reading unit or the time interval is based on the number of substrates all in conjunction with the rest of the claimed subject matter.

***Response to Arguments***

Applicant's arguments filed 11-18-02 have been fully considered but they are not persuasive. With respect to claims 19 and 45 applicant argues that Taniguchi does not disclose determining a transmittance time-varying prediction function in consideration of the predetermined condition. However, Taniguchi does disclose determining a transmittance time-varying prediction function in consideration of the predetermined condition. A time-varying prediction function is disclosed (Col 14 line 55) and the value of one of the terms in that function, namely  $l_p$ , is determined and stored immediately before a scan/exposure operation is started, thus this is a predetermined condition. With respect to claim 44 applicant argues that Taniguchi does not disclose changing said time interval for measurement...However, Taniguchi does disclose changing the time interval for measurement. Taniguchi says that the control system is a general digital computer (100) and stores transmittance data using digital sampling and that the time interval for this digital sampling changes (Col 21 lines 11-18 and Col 21 lines 62-65). With respect to claim 29 applicant argues that Taniguchi does not disclose a control structure that can set the transmittance measurement interval....in accordance with a variation amount between a transmittance obtained by a most recent transmittance measurement and a transmittance obtained by a measurement performed before the most recent measurement. However, Taniguchi does disclose a control structure (100) that can set the transmittance measurement interval....in accordance with a variation amount between a transmittance obtained by a most recent transmittance measurement and a transmittance obtained by a measurement performed before the most recent

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measurement (Col 21 lines 4-13). Taniguchi says that the control (100) sets a measurement interval as noted above and that multiple successive samplings (t1,t2,t3...) of the transmittance are made and thus this measurement is being done in accordance with a variation amount between a transmittance obtained by a most recent transmittance measurement (t3) and a transmittance obtained by a measurement performed before the most recent measurement (t2).

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tanimoto et al 4701606 and Nishi et al 5894341.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

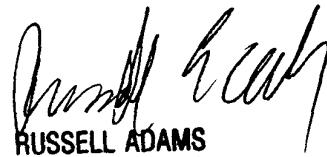
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khaled Brown whose telephone number is 703-306-5738. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russell E. Adams can be reached on 703-308-2847. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.

KB  
February 8, 2003



RUSSELL ADAMS  
SUPERVISORY PATENT EXAMINER  
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